

JOURNAL OF THE HOUSE.

Thursday, August 4, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we pause for a few brief moments of reflection and prayer and to thank You for Your countless material and spiritual blessings. We believe that Your guidance, which we need, enables us to keep in clear and objective focus our own, as well as our legislative goals and priorities. An occasional time out during the course of the day for reflection helps us to listen before we speak, to think before we act and to evaluate before we endorse. In our diverse communities may our search for truth, justice and high ethical standards remain our primary objectives.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

Changes in a House Standing Committee.

The Speaker announced changes in a House Standing committee, as follows:

That Representative Driscoll of Braintree had been relieved of duty (at his own request) from the committee on Personnel and Administration; and that Representative Moran of Boston had been appointed to the ninth position on said committee to fill the vacancy.

House committee changes.

Changes in Joint Standing Committees.

The Speaker announced changes in Joint Standing committees, as follows:

That Representative Kulik of Worthington had been relieved of duty (at his own request) from the committee on Bonding, Capital Expenditures and State Assets; and that Representative Speliotis of Danvers had been appointed to the seventh position on said committee to fill the vacancy;

Joint committee changes.

That Representative O'Brien of Kingston had been relieved of duty (at his own request) from the committee on Community Development and Small Businesses; and that Representative Speranzo of Pittsfield had been appointed to the ninth position on said committee to fill the vacancy;

That Representative Keenan of Southwick had been relieved of duty (at his own request) from the committee on Consumer Protection and Professional Licensure; and that Representative Speranzo

Joint
committee
changes.

of Pittsfield had been appointed to the ninth position on said committee to fill the vacancy;

There being no objection, that Representative Hynes of Marshfield had been appointed to the third position on the committee on Economic Development and Emerging Technologies, and that Representative Patrick of Falmouth had been appointed to the eighth position on said committee;

That Representative Patrick of Falmouth had been relieved of duty (at his own request) from the committee on Environment, Natural Resources and Agriculture; and that Representative Moran of Boston had been appointed to the ninth position on said committee to fill the vacancy;

That Representative Fallon of Malden had been relieved of duty (at his own request) from the committee on Health Care Financing; that Representative Kulik of Worthington had been appointed to the sixth position on said committee to fill the vacancy; and, there being no objection, that Representative Keenan of Southwick had been appointed to the seventh position and Representative O'Brien of Kingston had been appointed to the eighth position on said committee;

That Representative Goguen of Fitchburg had been relieved of duty (at his own request) from the committee on Public Safety and Homeland Security; and that Representative Forry of Boston had been appointed to the ninth position on said committee to fill the vacancy;

That Representative Speliotis of Danvers had been relieved of duty (at his own request) from the committee on Telecommunications, Utilities and Energy; and that Representative Forry of Boston had been appointed to the ninth position on said committee to fill the vacancy; and

That Representative Hynes of Marshfield had been relieved of duty (at his own request) from the committee on Transportation; and that Representative Goguen of Fitchburg had been appointed to the fourth position on said committee to fill the vacancy.

Appointment to an Advisory Council.

The Minority Leader announced the appointment of Dr. Vito R. S. Cardone of Lynnfield to the Biomedical Research Advisory Council (established under Section 9 of Chapter 111L of the General Laws as inserted by Chapter 27 of the Acts of 2005).

Biomedical
Research
Advisory
Council.

Resolutions.

Resolutions (filed with the Clerk by Mr. Miceli of Wilmington) recognizing the roasting of the iconic former Wilmington High School math teacher and track coach Frank Kelley, were referred, under Rule 85, to the committee on Rules.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Donato of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Frank
Kelley.

Petitions.

A petition (accompanied by bill, House, No. 4320) of Cory Atkins (by vote of the town) relative to establishing the housing development corporation of the town of Concord (having been returned by the State Secretary, under the provisions of Chapter 3 of the General Laws with letter relative thereto) was referred, under Rule 24, to the committee on Housing. Sent to the Senate for concurrence.

Concord,
housing
corporation.

Petitions severally were presented and referred as follows:

By Miss Garry of Dracut, petition (accompanied by bill, House, No. 4315) of Colleen M. Garry and Steven C. Panagiotakos (by vote of the town) that the town of Tyngsborough be authorized to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises; and

Tyngsborough,
alcoholic
beverages.

By Mr. Straus of Mattapoisett, petition (accompanied by bill, House, No. 4316) of William M. Straus and others (by vote of the town) that the town of Middleborough be authorized to issue an additional license for the sale of alcoholic beverages not to be drunk on the premises to Elizabeth McDermott, doing business as Not the Same Old Country Store;

Middleborough,
Country
Store.

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Murphy of Burlington, petition (accompanied by bill, House, No. 4317) of Charles A. Murphy and Susan C. Fargo (by vote of the town) that the town of Bedford be authorized to release a conservation restriction on a certain parcel of land located in said town. To the committee on Municipalities and Regional Government.

Bedford,
conservation
restriction.

By Mr. Linsky of Natick, petition (accompanied by bill, House, No. 4318) of Richard J. Ross and Scott P. Brown (by vote of the town) that the town of Millis be authorized to appoint retired police officers as special police officers.

Millis,
special
police.

To the committee on Public Service.

Severally sent to the Senate for concurrence.

Messrs. Bosley of North Adams, Rodrigues of Westport and Torrisi of North Andover presented a petition (subject to Joint Rule 12) of Daniel E. Bosley and others for legislation to establish programs for economic investments for the promotion of job growth in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

State
economy,
investments.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Economic Development and Emerging Technologies. Sent to the Senate for concurrence.

Sandra Spiros, sick leave bank.

Miss Reinstein of Revere presented a petition (subject to Joint Rule 12) of Kathi-Anne Reinstein for legislation to authorize the Trial Court to establish a sick leave bank for Sandra Spiros, an employee of said court; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Benjamin Joress, civil service.

By Ms. Blumer of Framingham, petition (subject to Joint Rule 12) of Deborah D. Blumer for legislation to authorize Benjamin Joress to file a civil service application for the position of police officer, notwithstanding the minimum age requirements.

Surplus state land, disposition.

By Mr. Eldridge of Acton, petition (subject to Joint Rule 12) of James B. Eldridge and others relative to the disposition of surplus state property.

Employers, orders and rules.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis and Stephen M. Brewer that the Department of Economic Development be directed to provide employers with copies of certain rules and orders prepared by said department.

Selectmen, regulating.

By Mr. Kulik of Worthington, petition (subject to Joint Rule 12) of Stephen Kulik and Pamela P. Resor for legislation to further regulate the number of selectmen in towns.

Birth and marriage records.

By Mr. Spellane of Worcester, petition (subject to Joint Rule 12) of Robert P. Spellane and others for legislation to increase access to certain birth and marriage records.

East Bridgewater, Cpl. Gordon M. Craig Bridge.

By Mrs. Teahan of Whitman, petition (subject to Joint Rule 12) of Kathleen M. Teahan and others for legislation to designate a certain bridge on Route 18 in the town of East Bridgewater as the Cpl. Gordon M. Craig Bridge.

Regional schools, assessments.

By Mr. Turner of Dennis, petition (subject to Joint Rule 12) of Donald Trepte and others that apportionment assessments in two-member regional school districts be defined in the agreements of such school districts.

Sex offenders, registration.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee and others for legislation to further regulate the registration of sex offenders.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Winchendon, police chief.

A Bill exempting the position of police chief in the town of Winchendon from the civil service law (Senate, No. 2083) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Peterson, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

A Bill cancelling the preliminary election in the city of Methuen in the year 2005 (Senate, No. 2163) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Methuen, preliminary election.

A petition of Bruce E. Tarr, Robert E. Travaglini, Steven A. Bad-dour, Scott P. Brown and other members of the General Court for legislation to promote the development of alternative fuels and the use of alternative fuel vehicles in the Commonwealth, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

Alternative fuel use.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2176) was referred, in concurrence, to the committee on Transportation.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill authorizing the Sheriff's Department of Plymouth County to operate a C-Med system (House, No. 3579),— and recommending that the same be referred to the committee on Health Care Financing. Under Rule 42, the report was considered forthwith; and it was accepted.

Plymouth County, C-med system.

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1641) of Alice K. Wolf and others for legislation to provide for a comprehensive health education program in the public schools; and

Schools, health education.

Of the petition (accompanied by bill, House, No. 3654) of Peter J. Larkin and others relative to the certification of certain teachers and coaches in cardiopulmonary resuscitation in the public schools;

Teachers and coaches.

And recommending that the same severally be referred to the committee on Education;

Of the petition (accompanied by resolve, House, No. 2846) of Anthony Petrucci for an investigation by a special commission (including members of the General Court) relative to the needs of persons with agoraphobia and other related disorders; and

Agoraphobia, study.

Of the petition (accompanied by bill, House, No. 2854) of Kay Khan and others relative to the health care needs of adolescents in the juvenile justice system of the Commonwealth;

Juvenile offenders, health care.

And recommending that the same severally be referred to the committee on Mental Health and Substance Abuse; and

Native
Americans,
records.

Of the petition (accompanied by bill, House, No. 3646) of Christine E. Canavan and others relative to the issuance of certified birth records to Native Americans,— and recommending that the same be referred to the committee on Tourism, Arts and Cultural Development.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Environment,
study.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 493 and 526 and House, Nos. 1339, 1346 and 1371, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning environmental issues (House, No. 4312).

Residential
tenants,
study.

By Mr. Honan of Boston, for the committee on Housing, on Senate, Nos. 792, 817 and 818 and House, Nos. 3152, 3161, 3190, 3204, 3214 and 3917, an Order relative to authorizing the committee on Housing to make an investigation and study of certain Senate and House documents concerning residential tenants (House, No. 4313).

Charter
commissions,
study.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on House, No. 3569, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of a certain House document concerning municipal charter commissions (House, No. 4314).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Right
whales.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill protecting Right Whales within the coastal waters of the Commonwealth (House, No. 1401). Read; and referred, under Joint Rule IF, to the committee on Bonding, Capital Expenditures and State Assets.

Mercury
management.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 554 and House, Nos. 1293, 1296, 1362 and 1392, a Bill relative to comprehensive mercury management (House, No. 4319). Read; and referred, under Rule 33, to the committee on Ways and Means.

Haverhill,
voting
precincts.

By Mr. Petruccelli of Boston, for the committee on Election Laws, on a petition, a Bill relative to a voting precinct in the city of Haverhill (House, No. 4101) [Local Approval Received].

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the Northern Berkshire Solid Waste District (House, No. 1340).

Northern
Berkshire
Solid Waste.

By the same member, for the same committee, on a petition, a Bill establishing the Westford town center sewer district in the town of Westford (House, No. 4188) [Local Approval Received].

Westford,
town center
sewer.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill authorizing the town of Duxbury to establish an affordable housing trust fund (House, No. 3155) [Local Approval Received].

Duxbury,
housing trust
fund.

By the same member, for the same committee, on a petition, a Bill establishing an affordable housing trust fund in the town of Wellfleet (House, No. 4094) [Local Approval Received].

Wellfleet,
housing trust
fund.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Brewster to establish an affordable housing fund (House, No. 4130) [Local Approval Received].

Brewster,
affordable
housing.

By the same member, for the same committee, on a petition, a Bill providing for an affordable housing trust fund in the town of Hamilton (House, No. 4136) [Local Approval Received].

Hamilton,
affordable
housing.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Mansfield to establish an affordable housing trust fund (House, No. 4197) [Local Approval Received].

Mansfield,
affordable
housing.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill providing for a change in parliamentary rules in the town of Oxford charter from Demeter's Manual of Parliamentary Law and Procedure to Robert's Rules of Order (House, No. 4237) [Local Approval Received].

Oxford,
Parliamentary
rules.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Millis (House, No. 4243) [Local Approval Received].

Millis,
charter.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Jason Monteiro, an employee of the Department of Correction (House, No. 2607). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Jason
Monteiro,
sick leave
bank.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Charter of the town of Harwich (House, No. 4198) [Local Approval Received] be scheduled for consideration by the House.

Harwich,
charter.

Under suspension of Rule 7A, on motion of Mr. Donato, the bill was read a second time forthwith; and it was ordered to a third reading.

Norfolk,
public
works.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the board of the public works of the town of Norfolk (House, No. 4242) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Donato, the bill was read a second time forthwith; and it was ordered to a third reading.

New Bedford,
liquor
license.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the city of New Bedford to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (House, No. 4274) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Donato, the bill was read a second time forthwith; and it was ordered to a third reading.

Dracut,
Broadway
Convenience
Store.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Dracut to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4275) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Donato, the bill was read a second time forthwith; and it was ordered to a third reading.

Dracut,
Scott's Food
Mart.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Dracut to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4276) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

Bill
enacted.

The engrossed Bill authorizing indemnification of certain officers for actions concerning the city of Springfield (see House bill printed in House, No. 4185) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Bills
enacted.

Exempting certain positions in the fire department in the city of Northampton from the civil service law (see Senate, No. 2069, amended) (which originated in the Senate); and

Relative to borrowing by the town of Milford for the funding of the geriatric authority of Milford (see House, No. 4182) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill exempting certain positions in the police department in the city of Northampton from the civil service law (Senate, No. 2074) was read a third time.

Third reading
bill amended.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

"Section 1 of chapter 500 of the acts of 2004 is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—

(b) Pursuant to the Memoranda of Understanding between the city of Northampton and the International Brotherhood of Police Officers, effective July 1, 2003, the following positions shall be covered by this act and the code of ordinances of the city of Northampton:— (a) all patrol lieutenants, (b) all police sergeants, (c) all police lieutenants, (d) all police captains, and (e) the chief. Said positions shall be exempt from chapter 31 of the General Laws".

The amendment was adopted; and the bill (Senate, No. 2074, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

House bills

Relative to living organ donation (House, No. 476);

Authorizing the town of Dedham to transfer land for senior center purposes (House, No. 4102); and

Third
reading
bills.

Relative to the charter of the city of Chicopee (House, No. 4117) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At thirteen minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.